UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,650	12/20/1999	ROBERT EVERETT PARKHILL	0500.9907201	1437

23418   7590   04/10/2006

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EXAMINER
WOOD, WILLIAM H

ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/466,650	PARKHILL, ROBERT EVERETT
	Examiner	Art Unit	
	William H. Wood	2193	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 January 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-13,15-23 and 25-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-13,15-23 and 25-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *011106*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claims 1, 3-13, 15-23 and 25-28 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

1.　.　A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 January 2006 has been entered.

Claim Rejections - 35 USC § 103

2.　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.　Claims 1, 4-9 and 11-15, 17-20, 22-23 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Cheng** et al. (EP 0 811 942 A2) in view of **Venkatesan** et al. (USPN 6,209,093) in further view of **Thawte**'s "Web Server Certificates: 3.x Root Rollover".

Claim 1

Cheng disclosed a method for updating data for a first processing entity, for

detection by at least a second processing entity comprising the steps of:

>   detecting a need to update data for the first processing entity, based on a
>
>   communication with the second processing entity *(page 3, lines 14-48)*;
>
>   automatically redirecting, communication from the first processing entity
>
>   and the second processing entity, to the first processing entity and the
>
>   third processing entity, under control of the second processing entity, in
>
>   response to detecting the need to update data *(page 3, lines 14-48)*;
>
>   providing updated data for the first processing entity, by the third
>
>   processing entity *(page 3, lines 14-48)*

Cheng did not explicitly state *providing update complete data which is different*

from the updated data, under control of the third processing entity, for the

second processing entity. **Venkatesan** demonstrated that it was known at the

time of invention to provide from a vender, third entity, update complete data

for a second entity, vender related service provider (column 14, line 48 to

column 15, line 15; note cookie communication of successfully

updated/installed software). It would have been obvious to one of ordinary

skill in the art at the time of invention to implement the multi-party installation

system of **Cheng** with authentic update status communication between entities

as found in **Venkatesan**'s teaching. This implementation would have been

obvious because one of ordinary skill in the art would be motivated to provide

secure communication about the validity of update/installations (**Venkatesan**:
column 14, lines 63-65). Further note, service provider database as extension
of the vender (**Cheng**: page 3, lines 18-19).

Venkatesan and **Cheng** did not explicitly teach update root CA certificate data.
Thawte demonstrated that it was known at the time of invention to publish
notices and require update of web browsers based upon root certificates (first
page, first paragraph; and first page, fifth bulleted item under "Netscape
Navigator 3.x"). It would have been obvious to one of ordinary skill in the art at
the time of invention to implement the system of **Cheng** with updating
browsers and certificates as new certificates become available as found in
Thawte's teaching. This implementation would have been obvious because one
of ordinary skill in the art would be motivated to update software as updates
become available (**Cheng**: page 13, lines 4-5) in order to ensure correct
security operations (**Thawte**: first page, first paragraph).

Claim 4

Cheng, **Venkatesan** and **Thawte** disclosed the method of claim 1 wherein the
step of providing update complete data includes providing the update complete
data for the second processing entity, by way of the first processing entity
*(**Venkatesan**: column 14, lines 53-56).*

Claim 5

Cheng, Venkatesan and **Thawte** disclosed the method of claim 1 wherein the

step of providing update complete data includes providing the update complete

data to the second processing entity *(Venkatesan: column 14, lines 53-56;*

Cheng: page 3, lines 18-19).

Claim 6

Cheng, Venkatesan and **Thawte** disclosed the method of claim 1 wherein the

step of detecting a need to update data includes the step of determining

whether a connection request between the first processing entity and the

second processing entity includes a cookie associated with the second

processing entity *(Venkatesan: column 14, lines 53-56).*

Claim 7

Cheng, Venkatesan and **Thawte** disclosed the method of claim 1, wherein the

data includes certificate data *(Thawte: first page, fifth bulleted item under*

"Netscape Navigator 3.x"; Venkatesan: column 14, lines 52-53) and wherein

the method also includes determining whether a certificate update should

occur for the first processing entity based on whether cookies have been

received by the first processing entity from the second and third processing

entities *(Cheng: page 3, lines 14-48; page 17, lines 20-30 and 49-55;*

Venkatesan: column 14, lines 54-56 and column 15, lines 7-15).

Claim 8

Cheng, Venkatesan and **Thawte** disclosed the method of claim 1 further including the step of automatically redirecting communication from the first processing entity and the third processing entity to the first processing entity and the second processing entity based on update confirmation data *(Cheng: page 3, lines 14-48)*.

Claim 9

Cheng, Venkatesan and **Thawte** disclosed the method of claim 1 wherein the step of automatically redirecting communication from the first processing entity further includes the step of sending, by the second processing entity, a uniform resource locator of the third processing entity, to the first processing entity in response to the second processing entity detecting the need to update data for the first processing entity *(Cheng: page 3, lines 23-25)*.

Claim 11

Cheng, Venkatesan and **Thawte** disclosed the method of claim 1 wherein the step of providing update complete data under control of the third processing entity includes sending a redirect command back to the first processing entity, by the third processing entity, to direct the update complete data to be sent by the first processing entity to the second processing entity, and wherein the

method further includes the step of sending, in response to the update

complete data, a cookie from the second processing entity to the first

processing entity to confirm acceptance of the update *(Cheng: page 3, lines 14-*

48; page 17, lines 20-30 and 49-55; Venkatesan: column 14, lines 54-56 and

column 15, lines 7-15).

Claims 12-15, 17-20, 22-23 and 26-27

The limitations of claims 12-15, 17-20, 22-23 and 26-27 correspond to claims

1, 4-9 and 11 and as such are rejected in the same manner. Note web

(browsers and servers) based protocol for the update system applications

described by **Cheng** (page 17, lines 3-5, HTTP)

Claim 28

The limitations of claim 28 correspond to the limitations of claims 1, 9 and 23

and as such are rejected in the same manner by **Cheng, Venkatesan** and

Thawte.

4.   Claims 3, 10, 16, 21 and 25 are rejected under 35 U.S.C. 103(a) as being

unpatentable over **Cheng** et al. (EP 0 811 942 A2) in view of **Venkatesan** et al.

(USPN 6,209,093) in further view of **Thawte**'s "Web Server Certificates: 3.x

Root Rollover" and in further view of Netscape's "**SmartUpdate** Developer's

Guide".

Claim 3

Cheng and **Venkatesan** did not explicitly state the method of claim 1 including

the step of providing update confirmation data from the first processing entity

to the third processing entity. **SmartUpdate** demonstrated that it was known

at the time of invention to provide a confirmation of update (chapter 4, section

"Finalize or Abort the Installation", page 6). It would have been obvious to one

of ordinary skill in the art at the time of invention to implement the multi-part

update system of **Cheng** with update confirmation to the vendor as found in

SmartUpdate's teaching. This implementation would have been obvious

because one of ordinary skill in the art would be motivated to verify an

installation for an accurate cookie to be sent, instead of the case of abort

(chapter 4, section "Finalize or Abort the Installation", page 6).

Claim 10

Cheng and **Venkatesan** did not expliclity state the method of claim 9 including

the steps of:

      sending, by the third processing entity, update instructions to the first

      processing entity and a request for confirmation of completion of an

      update.

sending, by the first processing entity, update confirmation data to the

third processing entity in response to receiving the request for

confirmation of completion of an update.

SmartUpdate demonstrated that it was known at the time of invention to

provide a confirmation of update (chapter 4, section "Finalize or Abort the

Installation", page 6). It would have been obvious to one of ordinary skill in the

art at the time of invention to implement the multi-part update system of

Cheng with update confirmation to the vendor as found in **SmartUpdate**'s

teaching. This implementation would have been obvious because one of

ordinary skill in the art would be motivated to verify an installation for an

accurate cookie to be sent, instead of the case of abort (chapter 4, section

"Finalize or Abort the Installation", page 6).

Claims 16, 21 and 25

The limitations of claims 16, 21 and 25 correspond to claims 3 and 10 and as

such are rejected in the same manner.

Response to Arguments

5.   Applicant's arguments with respect to claims 1, 3-13, 15-23 and 25-28

have been considered but are moot in view of the new ground(s) of rejection.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 9:00am - 5:30pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)-272-3719. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

William H. Wood
Patent Examiner
AU 2193
April 3, 2006